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EXAMINER

DESAI, RACHNA SINGH

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/733,947
Filing Date: December 11, 2003
Appellant(s): BODIN ET AL.

Thomas D. Fortenberry
For Appellant

SUPPLEMENTAL EXAMINER'S ANSWER

This is in response to the Appeal Brief dated 05/11/2007 and the BPAI Remand dated 06/09/2009.

Pursuant to the remand under 37 CFR 41.50(a)(1) by the Board of Patent Appeals and Interferences on 06/09/2009 **for further consideration of a rejection**, a supplemental Examiner's Answer under 37 CFR 41.50(a)(2) is set forth below.

The appellant must within **TWO MONTHS** from the date of the supplemental examiner's answer exercise one of the following two options to avoid *sua sponte* **dismissal of the appeal** as to the claims subject to the rejection for which the Board has remanded the proceeding:

(1) **Reopen prosecution.** Request that prosecution be reopened before the examiner by filing a reply under 37 CFR 1.111 with or without amendment, affidavit, or other evidence. Any amendment, affidavit, or other evidence must be relevant to the issues set forth in the remand or raised in the supplemental examiner's answer. Any request that prosecution be reopened will be treated as a request to withdraw the appeal. See 37 CFR 41.50(a)(2)(i).

(2) **Maintain appeal.** Request that the appeal be maintained by filing a reply brief as set forth in 37 CFR 41.41. If such a reply brief is accompanied by any amendment, affidavit or other evidence, it shall be treated as a request that prosecution be reopened under 37 CFR 41.50(a)(2)(i). See 37 CFR 41.50(a)(2)(ii).

Extensions of time under 37 CFR 1.136(a) are not applicable to the **TWO MONTH** time period set forth above. See 37 CFR 1.136(b) for extensions of time to

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reply for patent applications and 37 CFR 1.550(c) for extensions of time to reply for ex parte reexamination proceedings.

A Technology Center Director or designee has approved this supplemental examiner's answer by signing below:

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

WITHDRAWN REJECTIONS

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner. Claims 1, 8-12, 18-23, and 29-33 rejected under non-statutory double patenting have been withdrawn pursuant to the Terminal Disclaimer filed on 04/26/07.

Examiner's Comments Regarding the BPAI Remand dated 06/09/2009

The BPAI remanded this Appeal back to the examiner on 07/23/2009, ordering the examiner "to determine if Claims 1-11 meet the requirements of being a patent eligible process under 35 U.S.C. § 101." See *Remand* dated 07/23/2009, Page 2.

The examiner has determined that Claims 1-11 recite a statutory method (i.e., a "patent eligible process under 35 U.S.C. § 101"), as explained in the following paragraphs.

Claim 1 recites:

1. A method for creating a presentation document, the method comprising:

- creating, in dependence upon an original document, a structured document comprising one or more structural elements;*
- classifying a structural element of the structured document according to a presentation attribute; and*
- creating a presentation grammar for the structured document, wherein the presentation grammar for the structured document includes grammar elements*

each of which includes an identifier for at least one structural element of the structured document.

Firstly, the examiner notes that claim language is interpreted in light of the Specification. In Phillips v. AWH Corp., 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005), the United States Court of Appeal for the Federal Circuit expressly stated:

“The Patent and Trademark Office (‘PTO’) determines the scope of claims in patent applications not solely on the basis of the claim language, but upon giving claims their broadest reasonable construction ‘in light of the specification as it would be interpreted by one of ordinary skill in the art.’ In re Am. Acad. of Sci. Tech. Ctr., 367 F.3d 1359, 1364[, 70 USPQ2d 1827] (Fed. Cir. 2004). Indeed, the rules of the PTO require that application claims must ‘conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description.’ 37 CFR 1.75(d)(1).”

Phillips, 415 F.3d at 1316, 75 USPQ2d at 1329.

Claim 1 includes the following language:

- creating a “*presentation document*” (see Line 1);
- creating a “*structured document*” that includes “*structural elements*” (see Lines 2-3);
- classifying a “*structural element*” according to a “*presentation attribute*” (see Lines 4-5);
- creating a “*presentation grammar*” that includes “*grammar elements*,” each of which has an “*identifier*” for a “*structural element*” of the “*structured document*” (see Lines 6-9).

The Specification of the present invention expressly states:

- The “*presentation document*” ***is created*** from **stored content** on a **content server** (emphasis added; see Page 9, Lines 6-8);
- The “*presentation grammar*” ***is*** a **data structure** that includes a set of key phrases used to identify presentation action identifiers and optional parameters for use in formulating **presentation control instructions relevant to structural elements** of a **content type** (emphasis added; see Page 9, Lines 19-22);
- In one embodiment, the “*presentation grammar*” may be created using the following **content types**: a PDF document, an Excel spreadsheet, a word processing document or an XML document (emphasis added; see Page 13, Line 4-12);
- In one embodiment, the “*presentation document*” ***is implemented*** as a **file** in a file system on a **content server** (emphasis added; see Page 23, Lines 1-2);
- Programming ***converts*** an **original document** into a “**structured document**” by inserting structural element identifiers, such as Markup Language tags, binary codes and Unicode identifiers (emphasis added; see Page 12, Lines 7-17); and
- A paragraph in the “*structured document*” that is to be viewed only by the marketing department (i.e., a “*presentation attribute*”) may be ***classified*** by ***tagging*** the paragraph with the “*identifier*” <mkt> </mkt> (see Page 17, Lines 5-18).

These portions, and many other portions that are not cited, of the Specification would have, by at least a preponderance of the evidence, indicated to one of ordinary skill in

the art at the time the invention was made that any embodiment of the method of Claim 1 **necessarily** was tied to a particular machine because the steps of the method were performed by computer software that was executing on a computer.

Secondly, the examiner notes that the Specification expressly sets forth **only** examples of the recited method involving computers (e.g., see Pages 9, 11, 13-16, 23 and 45).

Also, the examiner has read those portions of the Specification that expressly state the following:

- “inserting the classification identifier includes **manually** editing the structured document” (emphasis added; see Page 3, Lines 15-16); and
- “inserting (706) the classification identifier (708) includes **manually** editing (712) the structured document (306) to insert classification identifiers in appropriate locations to classify structural elements in a structured document” (emphasis added; see Page 17, Lines 14-16).

However, any such “manual” editing would be performed via a human user interacting with the computer software of the present invention and would thereby involve a computer.

Thirdly, the examiner notes that the Specification expressly sets forth:

“Persons skilled in the art will recognize immediately that,
although most of the exemplary embodiments described in

this specification are oriented to **software installed and
executing on computer hardware**, nevertheless,
alternative embodiments implemented as **firmware** or as
hardware are well within the scope of the present invention"
(emphasis added; see Page 8, Lines 24-28).

Accordingly, any reasonable interpretation of the method of Claim 1 in light of the Specification as it would be interpreted by one of ordinary skill in the art (e.g., a computer programmer who writes code for multimedia presentation software) would necessarily involve a computer particularly programmed via instructions to perform the recited method of Claim 1. To interpret this claim as a process that is performed manually without the use of a programmed computer would be outside the scope of the broadest reasonable interpretation consistent with the specification and the interpretation that those of skill in the art would reach (note that, for this application, one "skilled in the art" refers to one of ordinary skill in the electronic document processing art).

Claims 2-11 depend from Claim 1 and therefore recite statutory subject matter, as indicated in the above discussion.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,748,186	RAMAN et al.	05-1998
2003/0023435 A1	JOSEPHSON	1-2003

Damiani, et al. "A Fine-Grained Access Control System for XML Documents", ACM Transaction on Information and System Security, Vol. 5, No. 2, May 2002, pages 169-202.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims Rejection – 35 U.S.C. 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 7-9, 12-15, 18-20, 23-26, and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raman (U.S. Patent 5,748,186), issued May 5, 1998

[hereinafter “Raman”], in view of Damiani, et al. “A Fine-Grained Access Control System for XML Documents,” ACM Transactions on Information and System Security, Vol. 5, No. 2, May 2002, Pages 169-202, [hereinafter “Damiani”].

Regarding **independent claim 1**, Raman in view of Damiani teaches:

*A method for creating a presentation document, the method comprising:
creating, in dependence upon an original document, a structured
document comprising one or more structural elements;*

(See, Raman, col. 2, lines 18-35. See also, Raman, col. 3, lines 6-11, teaching a computer implemented system of interactively presenting electronically encoded multi-media information in a plurality of presentation modalities, including retrieving a document and converting the information to a “common intermediate representation” with a structure of the information.)

*classifying a structural element of the structured document according to a
presentation attribute; and*

(As disclosed in the application, classifying a structural element reads on parsing a structured document into a hierarchical tree based on markup language tags as nodes of the tree structure. See, Raman, col. 2, lines 27-28, reaching that the converted document is stored in the memory of a computer in the form of a hierarchical attribute tree. See, Raman, col. 3, lines 41-44, teaching recognizing file type by extension, i.e.: “html.” See also, Raman, col. 5, lines 47 through col. 6, line 4, teaching identification of the document by tags, such as <html>. And see, Raman, col. 4, lines 38-49, teaching

receiving a source document by characters encoded as text as well as marks placed in the text to define the structure, and the “recognizer” to parse the character stream into fundamental source elements, for example, title, sections, sub-sections, paragraphs, sentences, links, forms and so forth. See also, Raman, col. 5, lines 47 through col. 6, line 4, teaching identification of the document by text element tags, such as <head>, <title>, <body> and <p>.)

creating a presentation grammar for the structured document, wherein the presentation grammar for the structured document includes grammar elements each of which includes an identifier for at least one structural element of the structured document.

(See, Raman, col. 2, lines 36-45, teaching the use of “control signals” as “presentation grammar” to control the modality being used to control the presentation. See, Raman, col. 6, lines 30-33, teaching that a control signal may include recognized speech as an input. See, also Raman, col. 3, lines 30-34, teaching that the data retriever and the presenter of the system may be controlled by voice recognized input couple to a speech recognizer. And see, Raman, col. 5, lines 38-46, teaching “navigational methods associated with objects allow the user to browse through the text by taking into consideration the underlying structure of the document.” And see, Raman, claim 1, lines 13-15, teaching “presenting the common intermediate representation using a plurality of user communication modalities according to the hierarchical attribute trees.” And see, Raman, col. 4, lines 22-27, teaching speech response to aural presentation of

stock data. For each type of speech response, it is inherent that there be an associated grammar element.

Raman teaches the invention as stated above, but does not expressly teach the “classifying a structural element of the structured document according to a presentation attribute.” It is noted that “classifying a structural element of the structured document according to a presentation attribute” is read as inserting tags to identify sections of the document. The identification of sections of the document is at least inherent in creating a structured document from an original document “comprising one or more structural elements.”

It is further noted that a “presentation attribute” is read as one of the names of groups of individual users, used to identify which users will be shown which data. For example, the department name of “research” would allow employees in the research department to review material, however employees in “Sales” may not be permitted access. Examples of presentation attributes include “company names, department names, security levels, technical levels, and so on.” See, disclosure, page 8, lines 11-16.

Damiani expressly teaches the tagging of document elements with start and end tags of sections of a document which may be accessed by individual users within specified groups. See, Damiani, page 191, section 6.2, and see pages 183-185, section 5.1, teaching authorizations.

Raman and Damiani are combinable in that they both involve the art of identifying sections of a markup language document with identifications which enable

the access to control the document. Raman teaches manipulation of the objects within that scheme, and Damiani teaches users who are permitted to access the document within that scheme.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Raman and Damiani for the obvious and beneficial purpose of limiting access to view certain portions of a document to certain users.

The suggestion or motivation to combine the references is expressed in Damiani for purposes of security, permitting access rights based on that groups need-to-know. The example given in Damiani is with medical records where hospital administrators, nurses, and doctors have different rights to sections of patient medical records based on their need for the information, yet keeping the remainder of the records confidential. See, Damiani, pages 192-196, example 6.1.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Raman and Damiani to result in the limitations specified in claim 1.

Regarding **dependent claim 2**, Raman in view of Damiani teaches:

The method of claim 1 wherein classifying a structural element comprises:
identifying a presentation attribute for the structural element;
identifying a classification identifier in dependence upon the presentation
attribute; and

inserting the classification identifier in association with the structural element in the structured document.

(The rejection of claim 1 is incorporated herein by this reference. See also, Raman, col. 4, lines 2-5, teaching that the user may select the presentation style, which inherently includes inserting classification identifiers, tags, in the structured document. See also, Damiani expressly teaches the tagging of a document elements with start and end tags of sections of a document which may be accessed by individual users within specified groups. See, Damiani, page 191, section 6.2, and see pages 183-185, section 5.1, teaching authorizations.)

Regarding **dependent claim 3**, Raman in view of Damiani teaches:

The method of claim 2 wherein:
identifying a presentation attribute for the structural element includes
selecting a presentation attribute from a list of supported presentation attributes;
identifying a classification identifier includes identifying a classification
identifier associated with the presentation attribute on the list; and
inserting the classification identifier includes manually editing the
structured document.

(The rejection of claim 2 is incorporated herein by this reference. See also, Raman, col. 4, lines 2-5, teaching that the user may select the presentation style, which inherently includes inserting classification identifiers, tags, in the structured document. See also, Damiani expressly teaches the tagging of a document elements with start and end tags

of sections of a document which may be accessed by individual users within specified groups. See, Damiani, page 191, section 6.2, and see pages 183-185, section 5.1, teaching authorizations.)

Regarding **dependent claim 4**, Raman in view of Damiani teaches:

The method of claim 2 wherein:

identifying a presentation attribute for the structural element includes selecting a presentation attribute from a list of supported presentation attributes, the presentation attribute having an associated classification identifier;

identifying a classification identifier includes inserting the classification identifier in a data structure in association with a structural element identifier for the structural element; and

inserting the classification identifier in the structured document includes reading the classification identifier from the data structure in dependence upon the structural element identifier.

(The rejection of claim 2 is incorporated herein by this reference. See also, Raman, col. 4, lines 2-5, teaching that the user may select the presentation style, which inherently includes inserting classification identifiers, tags, in the structured document.)

Regarding **dependent claim 7**, Raman in view of Damiani teaches:

The method of claim 1 wherein creating a structured document further comprises inserting in the structured document structural element identifiers for the structural elements.

(The rejection of claim 1 is incorporated herein by this reference. See also, Raman, col. 4, lines 2-5, teaching that the user may select the presentation style, which inherently includes inserting classification identifiers, tags, in the structured document.)

Regarding **dependent claim 8**, Raman in view of Damiani teaches:

The method of claim 1 wherein creating a structured document further comprises converting existing structural element identifiers from the original document to structural element identifiers for the structural elements of the structured document.

(The rejection of claim 1 is incorporated herein by this reference. See also, Raman, col. 2, lines 18-34, and col. 3, line 6 through col. 4, line 76, teaching receiving original documents, e.g.: rendered in HTML, which is a structured document language, and parsing the data to a structured hierarchical attributed tree.)

Regarding **dependent claim 9**, Raman in view of Damiani teaches:

The method of claim 1 wherein creating a presentation grammar for the structured document comprises:
identifying the content type of the original document;

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(The rejection of claim 1 is incorporated herein by this reference. See also, Raman, col. 5, lines 47-56, teaching retrieval, recognition, and presentation of an HTML document, as an example of the invention. See also, Raman, col. 3, lines 6-8, teaching a “recognizer 130” coupled to the receiver 120, to convert information 11 into a common intermediate high-level logical data structure 200, the recognizer must inherently identify and know the content type of the original document in order to process it.)

selecting, in dependence upon the content type, a full presentation

grammar from among a multiplicity of full presentation grammars; and

(See, Raman, col. 3, lines 8-20, teaching, for example, presentation of aural information by a speech synthesizer, monitor, Braille and by animated cartoon. See also, Raman, col. 3, lines 30-34, teaching the use of a voice input speech recognizer to control the presenter of the content types.)

filtering the full presentation grammar into a presentation grammar for the

structured document in dependence upon the structural elements of the

structured document.

(It is noted that filtering the full presentation grammar includes writing from the full presentation grammar to the presentation grammar for the structured document each grammar element having a structural element identifier of a structural element that occurs in the structured document. Applicants’ disclosure, page 3 lines 23-26.

See, Raman, col. 2, lines 36-45, teaching the use of “control signals” as “presentation grammar” to control the modality being used to control the presentation.

See, Raman, col. 6, lines 30-33, teaching that a control signal may include recognized

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speech as an input. See, also Raman, col. 3, lines 30-34, teaching that the data retriever and the presenter of the system may be controlled by voice recognized input couple to a speech recognizer. And see, Raman, col. 5, lines 38-46, teaching “navigational methods associated with objects allow the user to browse through the text by taking into consideration the underlying structure of the document.” And see, Raman, claim 1, lines 13-15, teaching “presenting the common intermediate representation using a plurality of user communication modalities according to the hierarchical attribute trees.” And see, Raman, col. 4, lines 22-27, teaching speech response to aural presentation of stock data. For each type of speech response, it is inherent that there be an associated grammar.)

Regarding **claims 12-15**, claims 12-15, incorporate substantially similar subject matter as claimed in claims 1-4, respectively, and are rejected along the same rationale.

Regarding **claims 18-20**, claims 18-20, incorporate substantially similar subject matter as claimed in claims 7-9, respectively, and are rejected along the same rationale.

Regarding **claims 23-26**, claims 23-26, incorporate substantially similar subject matter as claimed in claims 1-4, respectively, and are rejected along the same rationale.

Regarding **claims 29-31**, claims 29-31, incorporate substantially similar subject matter as claimed in claims 7-9, respectively, and are rejected along the same rationale.

Claims 5-6, 10-11, 16-17, 21-22, 27-28, and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raman (U.S. Patent 5,748,186), issued May 5, 1998 [hereinafter “Raman”], in view of Damiani, et al. “A Fine-Grained Access Control System for XML Documents,” ACM Transactions on Information and System Security, Vol. 5, No. 2, May 2002, Pages 169-202, [hereinafter “Damiani”], and further in view of Josephson, (U.S. Patent Publication 2003/0023435 A1), published January 30, 2003 [hereinafter “Josephson”].

Regarding **dependent claim 5**, Raman in view of Damiani and further in view of Josephson teaches:

The method of claim 2 further comprising providing a list of supported presentation attributes including at least one keyword and at least one indication of structural insertion scope for each presentation attribute, wherein:

identifying a presentation attribute for the structural element includes selecting a presentation attribute from the list in dependence upon a keyword from the structured document;

identifying a classification identifier includes identifying a classification identifier associated with the presentation attribute on the list; and

inserting the classification identifier includes inserting the classification identifier in the structured document according to a structural insertion scope for the selected presentation attribute.

(The rejection of claim 2 is incorporated herein by this reference.

Raman in view of Damiani teach the creation of a structured document for user interaction based on attributes and classification, but they do not expressly teach a keyword and a scope.

Josephson expressly teaches the use of a keyword and scope within a “command structure, and lists within a “group.” See, Josephson, paragraphs [0191]-[0259].

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Raman, Damiani, and Josephson to result in a user interactive control of a structured document using a list of attributes, classifications (tags), and associated scope.

Raman and Damiani and Josephson are related to the art of user interactions with computers to control document production, with Raman and Josephson also including via voice recognition commands, and both use tag, or classification, structured documents.

The suggestion or motivation for combining the references is found in Josephson, discussing the invention as an improvement to “voice-mousing” and control of “select next” type commands, which is one type of navigational control discussed in Raman. See, Josephson, paragraphs [0008]-[0010], and see, Raman, col. 7, lines 5-

50.)

Regarding **dependent claim 6**, Raman in view of Damiani and further in view of Josephson teaches:

The method of claim 2 further comprising providing a list of supported presentation attributes including at least one data pattern and at least one indication of structural insertion scope for each presentation attribute, wherein:

identifying a presentation attribute for the structural element includes selecting a presentation attribute from the list in dependence upon a data pattern from the structured document;

identifying a classification identifier includes identifying a classification identifier associated with the presentation attribute on the list; and

inserting the classification identifier includes inserting the classification identifier in the structured document according to a structural insertion scope for the selected presentation attribute.

(The rejection of claim 2 is incorporated herein by this reference.

Raman in view of Damiani teach the creation of a structured document for user interaction based on attributes and classification, but they do not expressly teach a keyword and a scope.

Josephson expressly teaches the use of a keyword and scope within a “command structure, and lists within a “group.” See, Josephson, paragraphs [0191]-[0259].

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Raman and Damiani and Josephson to result in a user interactive control of a structured document using a list of attributes, classifications (tags), and associated scope.

Raman and Damiani and Josephson are related to the art of user interactions with computers to control document production, With Raman and Josephson also including via voice recognition commands, and both use tag, or classification, structured documents.

The suggestion or motivation for combining the references is found in Josephson, discussing the invention as an improvement to “voice-mousing” and control of “select next” type commands, which is one type of navigational control discussed in Raman. See, Josephson, paragraphs [0008]-[0010], and see, Raman, col. 7, lines 5-50.)

Regarding **dependent claim 10**, Raman in view of Damiani and further in view of Josephson teaches:

The method of claim 9 wherein the full grammar comprises a multiplicity of grammar elements for the content type, wherein each grammar element includes:

an identifier of a structural element;

a key phrase for invoking a presentation action; and

a presentation action identifier representing a presentation action.

(The rejection of claim 9 is incorporated herein by this reference.

Raman in view of Damiani teach the creation of a structured document for user interaction based on attributes and classification, but they do not expressly teach a key phrase.

Josephson expressly teaches the use of a key phrase for invoking a presentation action. See, Josephson, paragraphs [0191]-[0259].

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Raman and Damiani and Josephson to result in a user interactive control of a structured document using a list of attributes, classifications (tags), and associated scope.

Raman and Damiani and Josephson are related to the art of user interactions with computers to control document production, with Raman and Josephson also including via voice recognition commands, and both use tag, or classification, structured documents.

The suggestion or motivation for combining the references is found in Josephson, discussing the invention as an improvement to “voice-mousing” and control of “select next” type commands, which is one type of navigational control discussed in Raman. See, Josephson, paragraphs [0008]-[0010], and see, Raman, col. 7, lines 5-50.)

Regarding **dependent claim 11**, Raman in view of Damiani and further in view of Josephson teaches:

The method of claim 9 wherein filtering the full presentation grammar comprises writing from the full presentation grammar to the presentation grammar for the structured document each grammar element having an identifier of a structural element that occurs in the structured document.

(The rejection of claim 9 is incorporated herein by this reference.

Raman and Damiani teach the creation of a structured document for user interaction based on attributes and classification, but they do not expressly teach writing from the full presentation grammar to the presentation grammar for the structured document.

Josephson expressly teaches “groups” as collections of identifications for invoking a presentation action. See, Josephson, paragraphs [0191]-[0259].

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Raman and Damiani and Josephson to result in a user interactive control of a structured document using a list of attributes, classifications (tags), and associated scope.

Raman and Damiani and Josephson are related to the art of user interactions with computers to control document production, With Raman and Josephson also including via voice recognition commands, and both use tag, or classification, structured documents.

The suggestion or motivation for combining the references is found in Josephson, discussing the invention as an improvement to “voice-mousing” and control of “select next” type commands, which is one type of navigational control discussed in

Raman. See, Josephson, paragraphs [0008]-[0010], and see, Raman, col. 7, lines 5-50.)

Regarding **claims 16-17**, claims 16-17, incorporate substantially similar subject matter as claimed in claims 5 and 6, respectively, and are rejected along the same rationale.

Regarding **claims 21-22**, claims 21-22, incorporate substantially similar subject matter as claimed in claims 10-11, respectively, and are rejected along the same rationale.

Regarding **claims 27-28**, claims 27-28, incorporate substantially similar subject matter as claimed in claims 5 and 6, respectively, and are rejected along the same rationale.

Regarding **claims 32-33**, claims 32-33, incorporate substantially similar subject matter as claimed in claims 10-11, respectively, and are rejected along the same rationale.

It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. See, MPEP 2123.

(10) Response to Argument

On page 5 of the Brief, Appellant argues a terminal disclaimer has been filed to cure the double patenting rejections in the present application. Accordingly, the rejection has been withdrawn.

On page 6 of the Brief, Appellant generally argues the combination of Raman and Damiani does not establish a prima facie case of obviousness. It is noted Appellant makes a general statement that the claims do not establish a prima facie case of obviousness but does not provide arguments as to why the combination does not.

On page 6 of the Brief, Appellant argues the proposed combination of Raman and Damiani does not teach or suggest all of the limitations of the Appellant's claims. On page 7, Appellant argues the combination of Raman and Damiani does not teach or suggest creating a presentation document.

Examiner respectfully disagrees with Appellant's assertions.

Raman teaches the presentation of multimedia information in column 2, lines 18-35. On pages 7-8, Appellant argues the presentation document includes a presentation grammar and a structured document and neither Raman nor Damiani discloses this feature. It is initially noted that the claims do not necessarily require the presentation document include a structured document and presentation grammar. While the claim recites in the preamble, *creating a presentation document*, the claim does not recite that the presentation document includes a structured document and presentation grammar. The claim recites creating a structured document and creating a presentation grammar for the structured document but the claim does not actually result in the creation of a

presentation document. However, even if it is assumed that the claim does create a presentation document, Raman discloses a structured document and a presentation grammar. Raman teaches interactively presenting electronically encoded multimedia information in a plurality of presentation modalities, including retrieving a document and converting the information into a “common intermediate representation” with a structure of the information which meets the limitation, *creating, in dependence upon an original document, a structured document comprising one or more structural elements*. See col. 2, lines 18-35 and col. 3, lines 6-11. Raman also teaches the use of “control signals” as “presentation grammar” to control the modality being used to control the presentation. See Raman, col. 6, lines 30-33, teaching that a control signal may include recognized speech as an input. See also Raman, col 3., lines 30-34, teaching that the data retriever and the presenter of the system may be controlled by voice recognized input couple to a speech recognizer. See also Raman, col. 5, lines 38-46, teaching “navigational methods associated with objects allow the user to browse through text by taking into consideration the underlying structure of the document”. And see, Raman, claim 1, lines 13-15 teaching “presenting the common intermediate representation using a plurality of user communication modalities according to the hierarchical attribute trees.” And see, Raman, col. 4, lines 22-27, teaching speech response to aural presentation of stock data. For each type of speech response, it is inherent that there be an associated grammar.

On page 8 of the Brief, it appears Appellant concedes Raman discloses a structured document and a presentation grammar, but does not teach a presentation document includes both the structured document and presentation grammar.

Examiner respectfully disagrees for two reasons. First, the claims do not require the presentation document include a structured document and presentation grammar. The claim merely requires the creation of a structured document from an original document and the creation of a presentation grammar for the structured document. The claim never states the presentation document includes both the structured document and the presentation grammar. Second, even assuming the claims do require the presentation document include both the structured document and presentation grammar, Raman does disclose the presentation document includes a common intermediate representation (structured document) and control signals and navigational methods (presentation grammar). Raman teaches presenting multimedia information in a plurality of presentation modalities by first converting the document into a common intermediate representation with a structure of the information and also considering the underlying structure of the document to associate navigational methods with objects to allow the user to browse through the text. See col. 5, lines 38-46.

On pages 8-15, Appellant argues the combination of Raman and Damiani does not teach or suggest creating a presentation grammar for the structured document, wherein the presentation grammar for the structured document includes grammar elements each of which includes an identifier for at least one structural element of the structured document. Appellants base their arguments on the fact that Raman “does

not even mention 'grammar', 'presentation grammar', 'grammar elements', or 'creating a presentation grammar for the structured document, wherein the presentation grammar for the structured document includes grammar elements each of which includes an identifier for at least one structural element of the structured document". Examiner respectfully disagrees with Appellant's arguments. The non-standard terms such as "presentation grammar" are not read as limiting on the reference. While Raman may not use the same terms created by Applicants in their claimed invention, Raman does teach the same invention. The function of the 'presentation grammar' in the method of claim 1 is to associate a action in the document presentation with a command, such as the spoken command "next page" associated with the document on the computer changing to the next page of the text. Raman, fully anticipates the "presentation grammar" by teaching association of the presentation of information tied to control by voice commands. See Raman, claim 22. The term "grammar element" in the method of claim 1 is the combination of an identifier of a structural element, a key phrase for invoking a presentation action, and an action identifier representing the presentation action. Raman discloses a control signal includes recognized speech as an input. See also Raman, col 3., lines 30-34, teaching that the data retriever and the presenter of the system may be controlled by voice recognized input couple to a speech recognizer. See also Raman, col. 5, lines 38-46, teaching "navigational methods associated with objects allow the user to browse through text by taking into consideration the underlying structure of the document". And see, Raman, claim 1, lines 13-15 teaching "presenting the common intermediate representation using a plurality of user communication

modalities according to the hierarchical attribute trees.” And see, Raman, col. 4, lines 22-27, teaching speech response to aural presentation of stock data. For each type of speech response, it is inherent that there be an associated grammar.

It is noted the arguments presented on pages 10-15 after each citation of Raman are the same arguments presented on pages 8-10 addressed in the comments above. Therefore, the comments above also apply to the arguments presented in pages 10-15.

Beginning on the last paragraph of page 15 of the Remarks through page 17, Appellant argues there is no suggestion or motivation to combine Raman and Damiani. Appellant argues Examiner has impermissibly used hindsight occasioned by Appellant’s own teaching to reject the claims. Appellant argues the motivation provided in the last office action does not provide a motivation to combine the references. Examiner respectfully disagrees. Raman and Damiani are combinable in that they both involve the art of identifying sections of a markup language document with identifications which enable the access to control the document. Raman teaches manipulation of the objects within that scheme, and Damiani teaches users who are permitted to access the document within that scheme. It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Raman and Damiani for the obvious and beneficial purpose of limiting access to view certain portions of a document to certain users. The suggestion or motivation to combine the references is expressed in Damiani for purposes of security, permitting access rights based on that groups need-to-know. The example given in Damiani is with medical records where hospital administrators, nurses, and doctors have different rights to sections of patient

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medial records based on their need for the information, yet keeping the remainder of the records confidential. See Damiani pages 192-196, example 6.1. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Raman and Damiani.

On pages 17-18, Appellant discusses the relations among claims. Appellant argues claims 12 and 23 are allowable for the same reasons as claim 1. The comments above with respect to claim 1 also apply to claims 12 and 23 as well as dependent claims 2-11, 13-22, and 24-33.

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Respectfully submitted,

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